

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 24-CR-  
[18 U.S.C. §§ 371, 666(a)(1)(A), & 2(a)]

KELLY WHITMORE-BEHLING and  
KYLE HEPP,

Defendants.

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**INFORMATION**

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**THE UNITED STATES ATTORNEY CHARGES THAT:**

**BACKGROUND ALLEGATIONS**

At all times relevant to this Information:

1. KELLY WHITMORE-BEHLING and KYLE HEPP were employed by the City of Milwaukee ("City"), a political subdivision of the County of Milwaukee and the State of Wisconsin, located within the Eastern District of Wisconsin.
2. During each one-year period relevant to this Information, the City received benefits in excess of \$10,000 under Federal programs involving grants, contracts, subsidies, loans, guarantees, insurance, and other forms of Federal assistance.
3. KELLY WHITMORE-BEHLING and KYLE HEPP worked for the City's Department of Public Works ("DPW"), which is responsible for maintaining a large fleet of City-owned equipment and vehicles. DPW's responsibilities include disposing of equipment and vehicles that the City no longer needs, or whose repair costs exceed their value to the City.
4. In 2022, KELLY WHITMORE-BEHLING and KYLE HEPP were responsible

for selling and disposing of unneeded DPW vehicles and equipment. The proceeds of sales of DPW equipment belonged to the City.

**COUNT ONE**

(Conspiracy To Commit Theft From A Federally Funded Program, 18 U.S.C. § 371)

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

5. The allegations set forth above are hereby incorporated in support of the following charge as if set forth in full here.

6. Beginning by at least June of 2022, and continuing through about September of 2022, in the State and Eastern District of Wisconsin,

**KELLY WHITMORE-BEHLING and KYLE HEPP**

did knowingly and unlawfully conspire and agree with each other to commit offenses against the United States, specifically, violations of Title 18, United States Code, Section 666(a)(1)(A).

*Manner and Means*

7. In their official capacities as DPW employees, WHITMORE-BEHLING and HEPP sold City equipment and vehicles to their friends, family members, and acquaintances, generally for far less than fair market value.

8. WHITMORE-BEHLING and HEPP collected cash for many of these sales. In numerous instances, they converted only part of that cash into money orders. They remitted the money orders to the City as payment for the sales. WHITMORE-BEHLING and HEPP then divided the excess cash between themselves.

9. WHITMORE-BEHLING and HEPP created fraudulent Bills of Sale to document these transactions for the City, which represented that City equipment and vehicles had been sold for the lower amounts of money that were reflected in the money orders remitted to the City.

10. By executing this scheme repeatedly, WHITMORE-BEHLING and HEPP together embezzled and obtained over \$100,000 that belonged to the City.

*Overt Acts*

11. In furtherance of the conspiracy and to carry out its objects, WHITMORE-BEHLING and HEPP committed and caused to be committed the following overt acts, among others, in the Eastern District of Wisconsin:

- a. On or about Saturday, August 20, 2022, WHITMORE-BEHLING and HEPP sold a large quantity of City equipment—approximately 22 pallets of materials, six pieces of welding equipment, and a new replacement fuel tank for a City-owned truck—to buyer R.G. The fair market value of these items was approximately \$53,000. City records created and maintained by WHITMORE-BEHLING and HEPP, however, show only that R.G. purchased three welders that day for a total of \$150.
- b. On or about August 22, 2022, HEPP obtained five money orders from a Meijer store, which HEPP signed “R.G.E.,” using cash he obtained from R.G. for the purchase of City equipment.
- c. On or about August 22, 2022, WHITMORE-BEHLING remitted money orders to the City for the purchase of City equipment by R.G. The money orders totaled far less than R.G. had actually paid, in cash, for the City equipment.

All in violation of Title 18, United States Code, Section 371.

**COUNT TWO**

(Theft From A Federally Funded Program, 18 U.S.C. § 666(a)(1)(A))

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**


12. The allegations set forth above in paragraphs 1-4 are hereby incorporated in support of the following charge as if set forth in full here.

13. On or about August 14, 2022, in the Eastern District of Wisconsin,

**KELLY WHITMORE-BEHLING and KYLE HEPP,**

being agents of a local government, did knowingly embezzle, steal, and obtain by fraud property worth at least \$5,000 that was under the care, custody, and control of such local government, that is, \$12,000 in cash derived from the sale of a John Deere 410G backhoe and a Freightliner truck belonging to the City of Milwaukee.

In violation of Title 18, United States Code, Sections 666(a)(1)(A) and 2(a).

  
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GREGORY J. HAANSTAD  
United States Attorney

March 15, 2024  
DATE